

	<p align="center">KANSAS REAL ESTATE COMMISSION Three Townsite Plaza 120 SE 6th Avenue, Suite 200 Topeka, Kansas 66603-3511 www.kansas.gov/krec reception@krec.ks.gov (785)296-3411 Fax: (785)296-1771</p>	<p align="center">FREQUENTLY ASKED QUESTIONS</p>
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Criminal Offenses

Q: If I have a felony conviction; can I apply for a real estate license?

A: An applicant who has pled guilty to an offense comparable to any crime which would require the applicant to register as provided in the Kansas offender registration act may not be granted a license until fifteen years after the date of the applicant's discharge from post-release supervision, completion of any non-prison sanction or suspension of the imposition of the sentence resulting for any plea of guilty or no contest.

An applicant who has pled guilty to any other felony offense may not be granted a license until five years after the date of the applicant's discharge from post-release supervision, completion of any non-prison sanction or suspension of the imposition of the sentence resulting from any plea of guilty or no contest to or conviction.

Q: If I have a misdemeanor conviction or have received a diversion or suspended imposition of sentence for a misdemeanor; can I apply for a real estate license?

A: Yes. However, the Commission may deny the issuance of a license to an applicant if he or she has been convicted of a criminal offense or received a diversion/suspended imposition of sentence which the Commission determines reflects on the applicant's honesty, trustworthiness, integrity or competence to transact the business of real estate. Factors the Commission considers when determining whether to grant a license to an applicant who has a criminal offense(s) include:

1. The nature of the offense;
2. Any aggravating or extenuating circumstances;
3. The time elapsed since the offense
4. The rehabilitation or restitution performed by the applicant; and
5. Any other factors that the commission deems relevant.

Q: If I am currently serving probation, diversion or a suspended imposition of sentence; can I apply for a real estate license?

A: The Commission has authorized the Executive Director to deny original license applications that disclose a misdemeanor conviction where the sentence has not been served, probation/parole/diversion has not been satisfactorily completed, or restitution, if any, has not been paid.

Q: How do I know if a charge was a minor traffic infraction or a misdemeanor?

A: Kansas classifies misdemeanors as any crime which is not a felony, traffic infraction or cigarette or tobacco infraction. A list of traffic infractions may be found [here](#).

Q: Is a DUI, DWI or OWI considered a criminal offense and does it need to be reported?

A: Yes.

Q: Do I have to answer "yes" to a question if someone (lawyer, teacher, broker, government official, etc.) told me that the offense is not, or is no longer, on my record?

A: Unless a criminal conviction or offense has been expunged from your record or you have received a pardon, you are required to disclose the information to the Commission. Expungement requires an order in

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most jurisdictions and is not the equivalent of a dismissal after serving a diversion or suspended imposition of sentence.

Q: Does an individual have to report a conviction if they have received an order of expungment or a pardon?

A: No.

Q: Does an individual need to divulge criminal activity if it occurred when a minor?

A: Reporting of criminal offenses committed as a minor, under the age of 18, are only required if the applicant was charged as an adult.

Q: Does the Commission review the answers to the criminal history questions provided by the applicant for possible fraud?

A: Yes. All applications are reviewed and compared to KBI and FBI criminal background checks. If the applicant checked “no” to any of the questions, but was found to have a conviction or received a diversion, the failure to disclose the criminal offense may be considered an attempt to obtain a license by fraud or misrepresentation and can result in the denial of licensure.

Q: What factors does the Commission consider when determining whether to grant a license to an applicant who has a criminal offense(s)?

A: 1. The nature of the offense;
2. Any aggravating or extenuating circumstances;
3. The time elapsed since the offense
4. The rehabilitation or restitution performed by the applicant; and
5. Any other factors that the commission deems relevant.

The Commission may deny the issuance of a license to an applicant if or she has been convicted of a criminal offense or received a diversion/suspended imposition of sentence which the Commission determines reflects on the applicant’s honesty, trustworthiness, integrity or competence to transact the business of real estate.

Q: What do I have to submit with my application if I have reported a criminal conviction, diversion or suspended imposition of sentence?

A: 1. A letter that explains the factual circumstances leading to the offense(s).
2. A letter from your proposed supervising or branch broker listing the criminal offense(s) and stating they are willing to supervise your real estate activities if you answered yes to Question No. 5.
3. Court documents, which include copies of the citation or complaint; judgment; diversion or probation agreement and order; and proof of completion of diversion or probation.

Q: What do I say in my letter of explanation?

A: This is up to you. You have the burden to show that you currently bear a good reputation for honesty, integrity, trustworthiness and competency to transact the business of real estate in such a manner to protect the public interest.

Your presentation should include at least the following factors:

1. The circumstances surrounding every criminal offense (your age at the time, your motivation for committing the unlawful act, other parties involved, persons harmed, and so forth);

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2. Whether you have made any required restitution;
3. Whether you have completed all conditions of your sentence;
4. Whether you are on probation or diversion/suspended imposition of sentence;
5. Any steps you have taken to prevent a reoccurrence;
6. Why you should be issued a license in spite of the criminal offense(s).

Q: How do I demonstrate rehabilitation or a good reputation for honesty, integrity, trustworthiness, and competence to transact the business of real estate?

A: Again, you have the burden to demonstrate rehabilitation and honesty, integrity, trustworthiness and competency. Include information about the nature and extent of any treatment or group programs, community service, work or life experience, or changed behaviors would be helpful. You may also wish to submit letters of recommendation.

Q: Can I submit letters of recommendation/reference?

A: Yes. Letters of recommendation regarding your rehabilitation, level of competence in the profession or past employment, or character for honesty, integrity, trustworthiness, or competence are encouraged.

Q: What should my letter of recommendation/reference say?

A: This is up to the author and you.

Frequent items presented to the Commission include:

1. Whether they are aware of your criminal offense(s);
2. How long they have known you;
3. How they have known you (work colleague, spiritual advisor, friend, teacher, etc.);
4. That they understand that you may be handling other people's money, may have access to confidential information, and may have access to other people's property;
5. Their estimation of your current reputation in the community; and
6. Telephone number at which they can be reached.

Q: Where do I obtain court documents?

A: If you were represented by an attorney, you could try contacting your attorney for copies. Court documents can also be obtained from the clerk of court in the jurisdiction where the offense occurred. In most cases, if you were cited by the police, your records would be available at the municipal court in the city where the offense occurred. If you appealed the municipal court's finding, the records will also need to be obtained from the district court. If you were cited by the sheriff, highway patrol or if you were charged with a felony, your records would be available at the district court in the county where the offense occurred.

You will need to contact the court clerk and ask how you can arrange to have copies made of your case file. It is your responsibility to contact the appropriate court to obtain the requested documentation. If the court tells you that the documents are no longer available, you must obtain a written statement of confirmation to that effect from the court.

Q: What court documents must I obtain?

A: Original Charges: This may be in the form of a citation, complaint, information or summons and indicates the specific violation(s) sometimes referred to as counts, for which you have been charged. Sometimes these documents are combined, for example a document may be called a summons and complaint. In

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addition, if an amended complaint was filed you should provide a copy of the original and amended complaint. (continued on next page)

Disposition: This document indicates your plea or stipulation to the charges or the court's ruling and includes all of the terms of your conviction and sentence. Sometimes this is called a judgment, journal entry of judgment, sentence or diversion agreement.

Proof of Completion of Probation, Diversion or Suspended Imposition of Sentence: This document is usually entitled order terminating probation or order terminating diversion.

Often municipal courts do not file an official court document upon completion of diversion. In those instances, you may obtain other documentation (i.e. docket summary, letter, etc.) from the Clerk that indicates you completed all the terms of your sentence and the case is closed.

Licensee Reporting Requirements

Q: After I am licensed do I have to report misdemeanor or felony charges?

A: Yes. Use Form REL-700, Licensee Offense Report Form